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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Summary record of the first part (public)* of the 2117th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 25 May 2016, at 10 a.m.

Chair: Mr. Mezmur

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Slovakia (continued) (CRC/C/SVK/3-5; CRC/C/SVK/Q/3-5; CRC/C/SVK/Q/3-5/Add.1)

1. *At the invitation of the Chair, the delegation of Slovakia took places at the Committee table.*

2. **Mr. Nelson** said that he would appreciate additional information on the Anti-Drug Strategy for Children and Youth, which was scheduled to run until 2020. He asked whether any of the 20 rehabilitation centres in the State party for persons recovering from drug and substance abuse were run specifically for children. If not, and children had to share such facilities with adults, did they receive child-friendly treatment? Given the small number of such centres relative to the size of the State party's population, he would like to know whether plans had been made to build additional centres. It would also be helpful to know what measures had been taken to combat glue-sniffing, in particular in eastern Slovakia, where the practice was reported to be prevalent.

3. **Mr. Kotrane** said that the State party had provided a very limited response regarding the action taken pursuant to the Committee's preceding concluding observations on the State party's implementation of the two Optional Protocols. He wished to know what had been done to ensure that all the offences covered by the Optional Protocol on the sale of children, child prostitution and child pornography were fully defined in the Criminal Code. Although the State party had focused on trafficking, new concerns had subsequently emerged. Additional information would be welcome regarding the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Had a national action plan been prepared for the implementation of that convention? Regarding the Optional Protocol on the involvement of children in armed conflict, the Committee was concerned at the fact that the recruitment of children for use in armed conflict was not explicitly covered by the Criminal Code. The Committee had also noted with concern that children had been participating in what were apparently ultraconservative military training courses.

4. **Ms. Aho Assouma** asked whether the National Programme for the Prevention of HIV/AIDS in Slovakia was still active. She wished to know whether pregnant women underwent HIV testing so that medical personnel could manage the risk of mother-to-child transmission and whether dedicated HIV testing centres had been established for children. It would also be helpful to know what assistance was available to children living with HIV/AIDS. Were there structures in place to offer them child-friendly support, for example?

5. **Mr. Hero** (Slovakia) said that, despite a wide range of initiatives, the integration of Roma children remained a major challenge for Europe. In Slovakia, the first container school had been built in 2013. Container schools were a cheap and quick solution to the problem of undercapacity in regular schools and had been built to supplement that capacity in some areas with large populations of Roma. The Ministry of Education, Science, Research and Sport had not fully endorsed the building of container schools as a national policy, but it was discussing the issue with the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities. The Office of the Plenipotentiary held the position that the integration of Roma into the education system should be coordinated at the local level. The Government was nevertheless committed to eliminating segregation in the mainstream education system at the national level.

6. In 2012 the Government had approved the Strategy of the Slovak Republic for the Integration of Roma to 2020, which was focused on seven important areas: education, housing, employment, health, economic integration, non-discrimination and public opinion.

The Government had approved an action plan for the implementation of the strategy over the period 2012-2015 and would prepare and publish a monitoring report on its results. The action plan was designed to follow up on the implementation of the Decade of Roma Inclusion 2005-2015. Two NGOs had been selected to prepare an independent evaluation of the initiative. They had concluded that the action plan had not been fully aligned with the strategy and that improvements in its implementation were called for. In response, the Government had revised the strategy and drafted seven new action plans for 2017-2018.

7. The Government was working to improve the financial literacy of the Roma in order to protect them from unscrupulous moneylenders. Mechanisms for the resolution of disputes between the Roma and non-Roma populations had been strengthened. In association with the European Union Agency for Fundamental Rights, the Government was evaluating the effectiveness of its funding arrangements and other provisions for Roma communities and was working to improve its monitoring and evaluation mechanisms. The project being conducted on the sociographic mapping of the concentration of marginalized Roma communities had improved data-collection procedures and informed the various policies developed for the benefit of those communities. The United Nations Development Programme (UNDP) had updated the mapping system in 2013, and it would be used to compile comprehensive data on the conditions in which Roma lived. The Government also used European Union statistics on income and living conditions to monitor the effectiveness of its strategy. The Government had decided to target 150 geographical areas with large populations of Roma. Projects would focus on the promotion of employment and the development of essential infrastructure, including the construction of sewerage systems, paved roads, temporary housing arrangements, and community and motherhood centres. A sum of €80 million would be spent on improving living conditions for Roma communities. The Government intended to raise the school attendance rate of Roma children to 100 per cent and to increase their preschool enrolment rate as well.

8. **Mr. Dobrovodský** (Slovakia) said that Roma ran an increased risk of falling victim to unscrupulous moneylenders because their awareness of their consumer rights was generally quite limited. The offence of usury had been entered into the Civil Code in 2015. Non-financial institutions were now required to verify the creditworthiness of their customers before granting interest-bearing loans and were barred from collecting interest accrued on such loans unless they had done so. That amendment to the Civil Code had caused at least six non-financial institutions to exit the market.

9. **Mr. Molin** (Slovakia) said that child victims of crime could report a crime directly to any one of the relevant authorities or to the newly established Office of the Children's Commissioner. In 2015, a website had been launched to provide child-friendly information on violence and the sources of support available to victims. As one of a number of different awareness-raising initiatives, accessible information on the Convention had been published on that website in Slovak and minority languages. The Code of Criminal Procedure had been amended to include a new provision governing the procedure for interviewing persons aged 18 years and under. Children were to be accompanied to police interviews by psychologists and, if necessary, their teachers or parents. National legislation had been harmonized with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the Council of Europe Convention on Action against Trafficking in Human Beings. In 2015, a multidisciplinary training course on the issue of secondary victimization had been organized for persons who conducted interviews with children. Children who experienced violence at home were placed in accredited crisis centres when necessary, and an individual workplan was prepared for each case.

10. **Mr. Cardona Llorens** asked whether or not it was the case that some Roma children were placed in special education centres, and then remained there indefinitely, because they lacked an adequate grasp of the Slovak language.

11. **Mr. Rodríguez Reyes** said that he was still waiting for information on the issue of breastfeeding. He noted that the State party's report did not make mention of teenage suicides, and he would like to know what preventive strategies were in place to address that problem.

12. **Ms. Ayoubi Idrissi** asked whether a strategy was in place for training police officers to deal with child protection issues, whether the training that was currently provided took place over a period of time or in brief sessions, and how many officers had received such training.

13. **Mr. Hero** (Slovakia) said that it was true that some children were schooled in special education centres. Measures had been introduced to improve the ability of schools to assess children for placement purposes, and any person could request a re-evaluation of a particular child who was being educated in a special centre if they believed that that child should not be there.

14. **Mr. Molin** (Slovakia) said that a systematic national training programme was in place for people involved in interviewing minors. In 2015, around 600 professionals had benefited from the training programme, which was designed to prevent the secondary victimization of children. The Government intended to continue working to identify other persons who should receive that training.

15. **Mr. Domanický** (Slovakia) said that the Ministry of the Interior provided systematic training on a regular basis to police officers, including members of judicial and border units and of the national police unit that dealt with illegal immigration. The training module included information on human trafficking and was provided to between 200 and 300 officers per year.

16. **Ms. Tomková** (Slovakia) said that Act No. 188/2015 Coll. governed the arrangements made for children with special educational needs. Placement of children in a special class or school solely because they came from a socially disadvantaged background would result in segregated schools and was not allowed. There were stringent diagnostic requirements in place in order to ensure that children were assigned to appropriate schools. An inclusive education project was being developed which was designed to put an end to social exclusion. As part of that project, funding would be allocated for the recruitment of special needs teaching assistants and school psychologists, the formation of inclusive teams and the construction or acquisition of special education facilities.

17. Steps were being taken to reduce the primary and secondary school dropout rates. In 2015, the Ministry of Education, Science, Research and Sport had provided a total of over €15 million for the construction and refurbishment of preschools and intended to make preschool attendance compulsory for all four-year-olds. The Government was committed to eliminating barriers to pre-primary education, especially for low-income families, and was placing particular importance on preschool enrolment for three-year-olds in marginalized communities and areas of high unemployment.

18. In 2010, the Ministry had approved the inclusion of interdisciplinary modules in primary and secondary school curricula on developmental issues, sexuality, marriage, parenting and family law. The instruction provided as part of those modules was in line with World Health Organization (WHO) standards.

19. The Ministry also provided training for specialist teachers and psychologists and had developed a crisis intervention manual which included information on the support required by young people who were contemplating suicide.

20. As to the question that had been asked regarding paramilitary training in schools, the Minister of Education had issued a statement, which was available on the Ministry's website, that warned about the possibility of extremism and the danger posed by the

involvement of paramilitary organizations in schools. In collaboration with the State School Inspectorate, the Ministry had also carried out a survey on the sources and drivers of extremism. Measures for countering those causal factors in specific schools had been implemented, and teachers were being trained in the continued application of those measures. Conferences and meetings on the subject had been held with youth organizations, including one in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

21. **Ms. Aldoseri** (Country Task Force) asked whether the regular reassessment of children with a diagnosis of mild disability was mandatory and, if so, how often those reassessments were conducted. She would also like to know whether children from disadvantaged backgrounds were obligated to complete a "zero year" of schooling prior to beginning their primary education and whether the school curriculum included any activities designed to promote tolerance for diversity.

22. **Mr. Hero** (Slovakia) said that the "zero year" had been introduced in 1991 and had boosted the school enrolment rate of Roma children. Where tests showed that school-age children were not ready for school, they could be placed in the zero-year programme as a more stimulating alternative to spending an extra year at home. Children who had completed the zero year were subsequently supposed to be spread evenly among first-year classes; however, in practice, those children were sometimes all placed in a single class group, and the first-year classes were therefore segregated in some cases. In Bratislava, eight schools used their zero-year programmes to help children who were not from marginalized groups, because some school-age children, regardless of their background, were simply not ready for school.

23. **Ms. Tomková** (Slovakia) said that, under section 107 of Act No. 188/2015 Coll., a re-examination of a child's assessment and subsequent assignment to a special school was to be undertaken upon request. Two methodological instructions had been issued in 2016 concerning amendments to section 107 of Act No. 188/2015 and procedures to be used for the pedagogical assessment of children from disadvantaged backgrounds. Children were entitled to repeated assessments, and schools were entitled to additional funding for students from disadvantaged backgrounds.

24. **Ms. Bošňáková** (Slovakia) said that school councils, which had been introduced pursuant to Act No. 588/2003, gave children the opportunity to express their views on proposals regarding school curricula. The councils represented their schools in dealings with outside parties, and students were able to vote for council representatives in a secret ballot. Councils had between 5 and 11 members, depending on the size of the school. They had statutes which governed their organizational arrangements, voting rights and other actions, and when a new council was set up, its statute was discussed and approved at the first meeting. A survey on the school council system had been undertaken every three years, and the results showed that the system's popularity was on the rise; currently, more than 50 per cent of schools had a school council. Student council representatives appreciated the opportunities that the system afforded them to improve their speaking and leadership skills. The school environment was a good place to learn about democracy, and the council system enhanced the bonds between children and their schools.

25. **Mr. Mikloši** (Slovakia) said that a report on the National Programme for the Prevention of HIV/AIDS 2013-2016 showed that the number of cases was growing, primarily among homosexual men; 78 women in Slovakia were HIV positive, and 27 per cent of them had given birth without transmitting the infection to their child. The HIV/AIDS transmission rate among drug addicts had dropped.

26. There were currently 20 public incubators, or "baby boxes", in the country and, since 2005, 55 infants had been saved through their use. Prior to 2005, an average of 10

abandoned babies were found dead each year. The boxes were reducing the incidence of infanticide, and their use was therefore justified.

27. Since the introduction of a related scheme in 2005 whereby women could give birth in secret and then place their babies in "safety nests", an average of 35 women per year had chosen to participate in that system.

28. Nationally, 64 gynaecology and obstetrics departments had received accreditation under the United Nations Children's Fund (UNICEF) Baby-Friendly Hospital Initiative. Promotional and educational measures focusing on the advantages of breastfeeding had bolstered a recent increase in breastfeeding rates. Under the Healthy Communities Programme, around 300 Roma health assistants were working with health-care professionals to improve health awareness in Roma communities, and it was hoped that the programme would increase the number of Roma women attending prenatal counselling sessions.

29. The programme to fight tuberculosis had been very successful. Despite the fact that the tuberculosis vaccine had not been provided on a country-wide basis since 2012, the incidence of the disease had not increased and currently stood at 10 cases per 100,000 people. All cases of syphilis had to be reported by medical practitioners, and a number of localized epidemics had been suppressed.

30. **Ms. Aho Assouma** said that she welcomed the statistics provided by the State party and hoped that further efforts would be made to compile more data on the incidence of tuberculosis and HIV. Information on the Roma community's access to HIV screening and antiretroviral drugs would also be appreciated.

31. **Ms. Oviedo Fierro** (Country Task Force) said that she would be interested to hear more about the reasons why the programme on public incubators was being continued. It was important to have prevention strategies and positive paternity programmes to help ensure that women were not in a position where they had to place their children in baby boxes. Information on the development and implementation of such programmes would be appreciated. She would like to know whether the programme designed to give Roma communities greater access to health services included measures to ensure that Roma people were not discriminated against within the health-care system. Lastly she wished to know whether the zero-year system in the country's schools was aimed just at children from Roma communities and disadvantaged backgrounds or whether it was available to other children as well.

32. **Mr. Gastaud** asked what happened to babies who were placed in baby boxes. Were they adopted or placed in children's institutions? He wondered whether the anonymous or "secret" birth scheme could serve to replace the public incubator system.

33. **Mr. Rodríguez Reyes**, referring to paragraph 120 of the State party report, asked what percentage of hospitals in Slovakia adhered to the Baby-Friendly Hospital Initiative principles. Was that policy being rolled out in rural as well as urban areas? He also wished to know what was being done to discourage the use of breast-milk substitutes and whether the State party would be adopting the International Code of Marketing of Breast-milk Substitutes.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

34. **Mr. Mikloši** (Slovakia) said that the baby boxes initiative had been introduced by a non-governmental organization and was supported by the Ministry of Health. The baby boxes were located at health-care establishments and could be accessed anonymously.

35. **Mr. Dobrovodský** (Slovakia) said that, since the use of baby boxes had been proven to reduce the incidence of infanticide in Slovakia, the initiative supported the right to life

enshrined in the Convention. As for the right to identity, the Family Act allowed the parents of abandoned children to file a maternity or paternity action to determine the child's identity and subsequently reclaim the child.

36. **Mr. Kovács** (Slovakia) said that mothers were offered six months of prenatal and six months of postnatal support. Fifty-five children had been placed in baby boxes since their establishment. Three had been returned to their biological families following maternity or paternity actions, 36 had been adopted or placed in foster care and the rest were being cared for in social protection facilities.

37. **Ms. Khazova** said that the use of baby boxes created a situation in which many children were not able to establish their identity. Some European countries had abolished the practice, having decided that it did not offer an effective solution to the problem of infanticide and child abandonment. That problem could be prevented much more effectively by working with pregnant women, offering family support, developing baby-friendly hospitals and encouraging mothers to bond with their newborn babies. Experience in a number of other countries indicated that mothers were sometimes forced to leave their children in the boxes, which was a very alarming prospect. She welcomed the legislation relating to the anonymous birth scheme and believed that every effort should be made to prevent the use of baby boxes.

38. **Mr. Kovács** (Slovakia) said that the Slovak Government would pursue its efforts to prevent the placement of children in institutions. The new Family Act contained many provisions designed to enable children to remain with their biological families, as well as setting forth a number of alternative care solutions. The most common form of alternative care was personal care, which was usually provided by a close relative. Various family counselling services and other measures were in place to make it possible to avoid institutionalization, and those measures had to be exhausted before a child could be removed from the family environment. In addition, parents were often required by the courts to make an active effort to put an end to adverse situations that might prevent a child from living at home.

39. The amended Act on Social Services prohibited the long-term placement of persons under 18 years of age in children's homes. Various measures were in place to improve conditions in social services facilities and to expand the use of independent living arrangements for older children and children with disabilities. Slovakia had recently been granted an exemption by the European Union from public procurement rules in order to allow independent living facilities to control their own budgets. In order to strengthen the alternative care system, the Government cooperated closely with social services facilities, including resocialization centres, and planned to establish child and family support centres and ensure closer cooperation with troubled families whose children were still at home. It was also working to incorporate various provisions of the Convention into its domestic legislation.

40. Progress under the Strategy for the Deinstitutionalization of Social Services and Alternative Care was evaluated annually. The implementation period for the Plan for the Transformation and Deinstitutionalization of Alternative Care had come to an end in 2015, but negotiations were under way with a view to the development of further action plans.

41. Under the deinstitutionalization strategy, priority was placed on enabling children to remain in their natural family environment. More than 600 staff members were already working in that area, and an additional 636 positions had been created for psychologists and social workers who specialized in working with families in the home. If children could not remain with their immediate families, efforts were made first and foremost to place them in the care of close relatives. In 2015, only 36 per cent of children who had been removed

from their biological families had been placed in social services facilities, compared with 52 per cent in 2000. The rest had been placed in alternative care.

42. An effort was made to place children assigned to children's homes with what were called "professional families". The parents in those families were required to have at least a secondary education and undergo a psychological assessment of their readiness for parenthood, and they were supported by specialized staff from children's homes. There were also plans to introduce preparatory training for such families. In 2015, over 30 per cent of the children assigned to children's homes had been placed with professional families, compared with 3 per cent in 2000. If children could not be placed with such families, efforts were made to accommodate them in small group children's homes which provided community-based care to a limited number of children. In 2015, some 1,400 children had been placed in group homes. The most common reason for the removal of children from their families was neglect, followed by the inability of the family to provide care.

43. Social workers who spoke the languages of target communities had been recruited and deployed in the field. In addition, the authorities, in cooperation with NGOs, ran courses and workshops on ways of improving the quality of care provided to ethnic minority children. Studies had been conducted which had identified disability, age, ethnic origin and a number of other factors as obstacles to the placement of children with families, but other data pointed to a lack of support for alternative care providers as being the main problem in that regard. Consequently, a new section had been incorporated into the Family Act that provided for assistance for alternative caregivers in the form of counselling and other forms of support. Social workers and NGOs would also increase the level of support that they currently offered to care providers.

44. Unaccompanied minors were housed in an open facility from which they could come and go. Slovakia was largely a country of transit, and minors who absconded from the facility generally did so in order to join family members in a third country. The police and all other relevant agencies must be notified of any unauthorized departures. Resocialization centres had the capacity to hold 500 persons, and the delegation did not have any information indicating that there was a shortage of places in those centres, in all of which school attendance was compulsory. The number of State-funded resocialization centres had increased, with the private sector also providing financial support. A call for proposals for new resocialization programmes and projects focusing on persons with substance abuse problems was currently being prepared and would be published in the near future. The number of children being removed from their biological families had been trending downward since 2012. In 2015, the average duration of stay in a children's home had been four years and one month.

45. **Ms. Ayoubi Idrissi** asked what the maximum length of time that children could be placed with a professional family was, what measures were taken to ensure that they were not transferred from one professional family to another, and what the situation was with regard to their long-term placement or adoption.

46. **Ms. Winter** (Country Task Force) asked whether the national authorities investigated unauthorized departures from care facilities by unaccompanied minors, whether absconding minors were tracked through their mobile telephones and whether efforts were made to obtain any information about their destination and their accomplices, if any.

47. **Mr. Kovács** (Slovakia) said that there was no set duration for placements with professional families. Placements ended when the children concerned were returned to their biological families or placed with an alternative care provider. Where neither of those options was possible, the child remained with the professional family until he or she

reached the age of maturity. Each child had an individual development plan, and every effort was made to avoid or limit the number of transfers of children between different professional families. However, transfers did take place with the consent of the child concerned in cases involving the reunification of siblings or other compelling reasons.

48. **Ms. Bencová** (Slovakia) said that the police searched for minors who fled from professional families or children's homes, attempted to locate them through their mobile telephones, investigated the causes of their departure and interviewed persons close to the minors concerned. They were able to locate a large number of those children.

49. **Mr. Dobrovodský** (Slovakia) said that the Government of Slovakia embraced the principle that "justice cannot stop at the prison gate", as spelled out in the European Court of Human Rights judgment in the case of *Ezeh and Connors v. The United Kingdom*. The concept of the best interests of the child had been transposed into national legislation. The State and courts had a duty to ensure that children's relationships with their siblings, parents and close relatives were maintained. In 2015, the Ministry of Justice had organized a major international conference on the rights of children whose mothers were in detention and the rights of those mothers. A strategy was currently being prepared that would be informed by the ideas discussed during the conference. Only one prison in Slovakia allowed incarcerated mothers to have regular contact with their children, but those children were not allowed to live in the facility. Under the Code of Criminal Procedure, sentences for mothers of newborns or pregnant women could be suspended for up to one year after the birth. In 2015, a law had been adopted under which mothers could be sentenced to house arrest and fitted with a monitoring device. The national authorities of foreign countries who detained parents whose children were currently in Slovakia were responsible for organizing family contact. The Family Act applied to Slovak children whose parents were incarcerated abroad, and the national authorities supported cross-border family contact in such cases.

50. In reply to an earlier question regarding measures to protect children residing in the vicinity of polluting industrial installations, he could assure the Committee that Slovakia applied European Union environmental standards; no specific standards had been introduced relating to children living near industrial plants. Around 40 schools per year were granted funding for environmental awareness programmes.

51. Under the Constitution, the Convention and its Optional Protocols took precedence over national legislation and were directly applicable. Slovakia had ratified all four instruments without applying any reservations. As some of the terms in the Convention, notably those used in article 3, were not self-explanatory, however, national legislators were working to provide detailed definitions for purposes of clarification.

52. **Mr. Domanický** (Slovakia) said that the Ministry of the Interior had set up a national unit to combat illegal migration and trafficking in persons, and a national programme against human trafficking that was to run from 2012 to 2018 had been adopted. His country was cooperating with neighbouring countries and other member States of the European Union in that connection. The Judicial Academy ran programmes for police officers and investigators which covered issues such as trafficking in persons and sentencing. Trafficking data were compiled by the Ministry of the Interior's information processing centre. Victims of trafficking were provided with care and with rehabilitation, reintegration and resocialization services. A national mechanism for providing support to victims of human trafficking had been set up, a national coordinator on human trafficking had been appointed, an information centre on the fight against human trafficking had been created and an expert group had been formed to promote cooperation with the International Criminal Police Organization (INTERPOL) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). Two police detention facilities for foreign nationals had been set up in

the south and the east of Slovakia, the latter housing families with children. The international treaties on the treatment of unaccompanied minors and foreign nationals to which Slovakia was a party had been transposed into national laws. Police officers working in detention units had received training in how to work with children.

53. **Ms. Vermešová** (Slovakia) said that migrant and refugee children and their families were placed together in a long-term residential reception centre equipped with baby cots, toys, a kindergarten, a playground and other facilities. Staff members at the centre were appropriately trained.

54. **Mr. Kotrane** said that the State party should make every effort to ensure that Slovak law enabled it to establish and exercise extraterritorial jurisdiction over all offences identified under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, in accordance with the Committee's 2013 concluding observations in that regard.

55. **The Chair** said that the Committee would be grateful if the State party would provide additional information in relation to paragraph 18 of the list of issues in written form within 48 hours.

56. **Ms. Winter** (Country Task Force) said that it was clear to the Committee that Slovakia and its neighbours were currently facing a new set of challenges relating to discrimination and non-discrimination in the context of the current wave of migration. She wished to thank the delegation for having supplied a great deal of information and looked forward to receiving the requested additional responses in written form.

57. **Mr. Ondruš** (Slovakia) said that the Government of Slovakia greatly valued the work and recommendations of the Committee. He believed that all State bodies would continue to work with civil society and human rights organizations to create an environment in which children could grow up, develop, learn and form their own opinions.

The meeting rose at 1 p.m.